

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**GENE WINDHAM, individually, and  
as the personal representative of the  
Estate of LILLIE MAE WINDHAM,  
deceased,**

**Plaintiff,**

**vs.**

**HUDDLE HOUSE, INC., a foreign  
corporation; HUDDLE HOUSE #389 &  
482, a domestic corporation; GWYNNE  
STRAUGHN, an individual; FRANCIS and  
WYATT SASSER, individuals,**

**Defendants.**

**CASE NO. 2:08CV007**

**RESPONSE TO SHOW CAUSE ORDER**

COMES NOW the Plaintiff, in response to the Court's Order to Show Cause as to why this matter should not be dismissed without prejudice based on the parties' failure to file their Rule 26(f) Report, and says as follows:

1. The Plaintiff has been unable to confer with the Defendant regarding the matters to be included in the Report;
2. Consequently, the Plaintiff has now filed his suggested Rule 26(f) Report with the Court.

WHEREFORE, as the Plaintiff has now filed a proposed Report, having been unable previously to confer with the Defendant regarding same, the Plaintiff requests that this Court not dismiss the action, but, rather, adopt the Plaintiff's proposed deadlines and trial date and issue a scheduling order based on the deadlines provided therein.

/s/Thomas B. Albritton  
Thomas B. Albritton (ALB009)  
Attorney for Plaintiff

OF COUNSEL:

ALBRITTONS, CLIFTON,  
ALVERSON, MOODY & BOWDEN, P.C.  
109 Opp Ave.  
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### **CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a copy of the foregoing upon all counsel of record in this cause by electronic service if registered, and if not, by regular U.S. Mail, postage prepaid and addressed as follows, on this, the 18th day of February, 2008:

Mr. John M. Peek  
416 South Three Notch Street  
Andalusia, AL 36420

/s/Thomas B. Albritton  
Of Counsel